

IN THE RECEIVED
UNITED STATES DISTRICT COURT
FOR THE ~~NORTHERN~~ DISTRICT OF ALABAMA

DEBBY A. MONTGOMERY
U.S. DISTRICT COURT
MIDDLE DISTRICT

GEORGE WOOLY MORRIS
Plaintiff

v

THOMAS M. GOGGANS
Defendant

2:05-CV-1069-T
(WO)

OBJECTION TO THE RECOMMENDATION OF THE MAGISTRATE JUDGE

PLAINTIFF OBJECTS THAT THE MAGISTRATE JUDGE HAS ORDERED THAT THIS OBJECTION BE RECEIVED BY THE COURT ON THE 28TH OF NOVEMBER 2005. THE RECOMMENDATION WAS RECEIVED ON 22 NOV 2005. THIS OBJECTION WAS PREPARED ON 24 NOV 2005 (THANKSGIVING DAY) AND THE MONTGOMERY TAIL MAIL DOES NOT RUN UNTIL 28 NOV 2005; MAKING IT AN IMPOSSIBILITY TO FILE IN A TIMELY MANNER. PLAINTIFF HAS FILED FOR AN EXTENSION OF TIME SO THAT HE CAN PREPARE A MORE EFFICIENT OBJECTION.

PLAINTIFF OBJECTS THAT THE MAGISTRATE JUDGE HAS CONCLUDED THAT THIS PLAINTIFF IS FILING A 42 U.S.C. § 1983 ACTION WHEN IN FACT THIS IS NOT TRUE.

PLAINTIFF OBJECTS THAT THE MAGISTRATE JUDGE STATES THAT PLAINTIFF "SEEKS TO SUE HIS COUNCIL FOR RENDERING INEFFECTIVE ASSISTANCE OF COUNCIL DURING PRE TRIAL PROCEEDINGS" AND FAILS TO MENTION THAT PLAINTIFF COMPLAINS THAT THE DEFENDANT FILED A MOTION TO DISMISS A CIVIL APPEAL WITHOUT THE PLAINTIFF'S KNOWLEDGE OR PERMISSION.

PLAINTIFF OBJECTS THAT THE MAGISTRATE JUDGE IS USING THE FACT THAT THIS PLAINTIFF IS FILING IN FORMA PAUPERIS AS AN OPPORTUNITY TO DISMISS HIS CLAIMS UNDER THE PROVISIONS OF 28 U.S.C. § 1915. TO REMEDY THIS, PLAINTIFF HAS FILED A "MOTION TO WITHDRAW THE MOTION TO PROCEED FORMA PAUPERIS" AND IS PAYING THE FILING FEE IN FULL.

PLAINTIFF OBJECTS THAT THE MAGISTRATE JUDGE HAS NOT ADDRESSED THE FACT THAT THE DEFENDANT ALLOWED THAT A HEARING BE CALLED WITHOUT THE PLAINTIFF AND COUNCIL'S PRESENCE AND A BENCH WARRANT ISSUED RESULTING IN PLAINTIFF'S ARREST.

PLAINTIFF OBJECTS THAT THE MAGISTRATE JUDGE HAS SUMMARIZED A 23 PARAGRAPH COMPLAINT IN A MANNER THAT MAKES IT APPEAR AS IF IT IS FRIVOLOUS OR MALICIOUS WITHOUT ADDRESSING THE ELEMENTS OF THE COMPLAINT AND INSTEAD SUMMARIZING THE COMPLAINT AS "INEFFECTIVE ASSISTANCE OF COUNCIL DURING PRE TRIAL PROCEEDINGS ON VARIOUS CRIMINAL CHARGES."

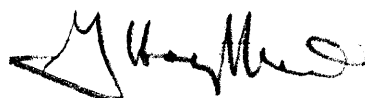
PLAINTIFF OBJECTS THAT THE MAGISTRATE JUDGE FAILS TO ADDRESS THE FACT THAT THIS PLAINTIFF HAS PAID \$5000⁰⁰ FOR FOUR CRIMINAL PROCEEDINGS AND THAT THE DEFENDANT HAS COMPLETED ONLY ONE; AND THAT ONE WAS NOT SATISFACTORY. PLAINTIFF DOES NOT WANT THE DEFENDANT TO CONTINUE HIS REPRESENTATION AND HAS IN FACT HIRED ANOTHER ATTORNEY.

PLAINTIFF OBJECTS THAT THE MAGISTRATE JUDGE FAILED TO MENTION THAT THE DEFENDANT REFUSED TO COMMUNICATE AND FAILED TO RESPOND TO OR ANSWER MORE THAN 75 MESSAGES AND NUMEROUS WRITTEN REQUESTS AND THAT THIS BEHAVIOR BECAME WORSE AFTER THIS PLAINTIFF WAS INCARCERATED.

PLAINTIFF OBJECTS THAT THE MAGISTRATE JUDGE DID NOT ADDRESS THE FACT THAT, ACCORDING TO THE TESTIMONY OF THOMAS COHAM JR, A FAILURE TO APPEAR WARRANT (FOR ONE OF THE CASES FOR WHICH THIS DEFENDANT WAS HIRED) WAS IN EXISTANCE AT THE DETENTION HEARING AT WHICH THIS PLAINTIFF WAS JAILED AND WAS THE PRIMARY REASON FOR HIS INCARCERATION.

THE MAGISTRATE JUDGE HAS NO JURISDICTION OVER SUBSTANTIVE MATTERS,

RESPECTFULLY SUBMITTED ON 24 Nov 2005.

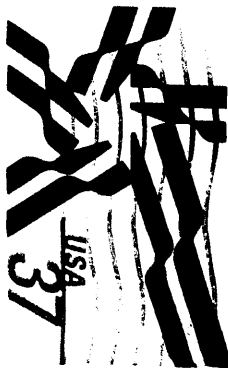


Page Three

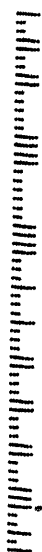
2:05cv1069

George Weeg Murray
PO Box 159
Montgomery AL 36101

MONTGOMERY CITY, AL



36101+0711



Leana
United States District Court
PO Box 711

Montgomery, AL 36101